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JAMES R. BRUEGGEMANN, ESQUIRE
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
48TH FLOOR
333 SOUTH HOPE STREET
LOS ANGELES CA 90071-1448

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In re Application of
Douglas J. Kelly
Application No. 10/714,275
Filed: November 14, 2003
Attorney Docket No. 04Z9-104790

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed January 10, 2006, to withdraw the holding of abandonment.

This application became abandoned for failure to timely file a proper reply to the non-final Office action mailed June 14, 2005. Accordingly, this application became abandoned on September 15, 2005. A Notice of Abandonment was mailed on January 4, 2006.

Petitioner asserts that a amendment was timely submitted via facsimile transmission on September 13, 2005.

However, a review of application file indicates that the amendment submitted on September 13, 2005, and the instant petition, were erroneously identified by applicant as papers for application no. 11/714,275 and not 10/714,275.

Please note MPEP 502:

“A minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number. The failure to give any application number is not a minor error. The Office often experiences difficulty in matching incoming papers with the application file to which they pertain because insufficient or erroneous information is given. This applies especially to amendments, powers of attorney, changes of address, status letters, petitions for extension of time, and other petitions.”

Accordingly, the petition is granted and the holding of abandonment is withdrawn.

Petitioner should take care in the identification of papers submitted to the USPTO as errors in the identification may lead to delays in the examination process.

The papers erroneously submitted under application no. 11/714,275 have been moved to the instant application, application no. 10/714,275.

This application is being forwarded to Technology Center 3600, for review of the amendment, filed September 13, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

A handwritten signature in black ink, appearing to read 'EJ Tannouse', with a long horizontal flourish extending to the right.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy